

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 740 - SB 1228

March 24, 2015

SUMMARY OF BILL: Requires juvenile court clerks to charge a \$75 fee in any action when a juvenile is adjudicated delinquent for actions involving drugs or alcohol to be used exclusively for the creation, administration, operation, and maintenance of juvenile drug court treatment programs. If no juvenile drug court treatment programs operate in the county, the fee is to be remitted to the state to be placed in the drug court treatment program resources fund to be administered by the Department of Finance and Administration, Office of the Criminal Justice Programs.

Increases, from \$75 to \$100, the fee collected by court clerks of any court exercising juvenile jurisdiction from any person who is found in violation of the terms and conditions of a suspended sentence imposed for any criminal conviction in which the violation is premised upon a positive drug screen. The additional \$25 collected is to be deposited into a dedicated county fund for juvenile drug court treatment programs.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – Exceeds \$27,000/Office of Criminal Justice

Increase State Expenditures – Exceeds \$27,000/Office of Criminal Justice

Increase Local Revenue – Exceeds \$11,600/Juvenile Drug Courts

Increase Local Expenditures – Exceeds \$11,600/Juvenile Drug Courts

Assumptions:

- Currently, juvenile court clerks are authorized to collect \$75.00 from any person who is found in violation of the terms and conditions of a suspended sentence imposed for any criminal conviction in which the violation is premised upon a positive drug screen.
- The first \$5.00 of the fee is remitted to the Department of Finance and Administration, Office of Criminal Justice programs for funding drug court treatment program administration and grant awards.
- The remaining \$70.00 is deposited into a dedicated county fund for the exclusive use of the creation and maintenance of state drug court treatment programs. If a drug court treatment program does not operate in the county, all funds are remitted to the state Office of Criminal Justice programs.
- The proposed legislation would increase the fee by \$25 for counties to use for the maintenance of juvenile drug court treatment programs in these cases. The additional

\$25 is not expected to result in a significant increase in revenue and corresponding expenditures for counties.

- The provisions of the bill also create a \$75 fee for any case in which a juvenile is adjudicated delinquent and the delinquent act involved drugs or alcohol.
- Based on information included in the 2013 Tennessee Juvenile Court Annual Statistical Report, there were approximately 7,583 referrals made for offenses involving drugs or alcohol.
- Based on information provided by the Administrative Office of the Courts (AOC), approximately 8,849 cases, of the total 39,162 illegal conduct referrals, are classified as substantiated delinquent. This provides a delinquent adjudication rate of 22.6 percent.
- It is assumed that 1,714 cases ($7,583 \times 0.226$) will be charged the additional \$75 fee pursuant to the provisions of the bill resulting in an increase in possible revenue of \$128,550 ($\$75 \times 1,714$).
- Based on a fine collection fee report produced by the AOC in FY11-12, the overall collection rate for criminal cases is approximately 29.95 percent. Assuming the collection rate will be similar in these cases, the increase in revenue is estimated to be \$38,501 ($\$128,550 \times 0.2995$).
- Based on information obtained from the Tennessee Association of Drug Court Professionals website, there are six juvenile drug courts and thirty-six adult drug courts in the state. While the exact breakdown of funds between those that will remain with the county and those that will be remitted to the state are unknown. Due to one-half of the juvenile drug courts being located within metropolitan areas, it is reasonably estimated that at least 30 percent will remain with the six juvenile drug courts.
- The recurring increase in revenue and corresponding recurring expenditures for state drug courts is estimated to exceed \$26,951 ($\$38,501 \times 0.70$).
- The recurring increase in revenue and corresponding recurring expenditures to local juvenile drug courts is estimated to exceed \$11,550 ($\$38,501 \times 0.30$).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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